



Miedel & Mysliwiec LLP

July 8, 2021

Hon. Paul A. Engelmayer  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *United States v. Carlos Lopez*  
16 Cr. 317 (22) (PAE)  
19 Cv. 3463 (PAE)

Dear Judge Engelmayer:

On March 16, 2021, the Court appointed me to assist Mr. Lopez with the re-filing of his 28 U.S.C. § 2255 petition. The filing deadline is currently set for July 16, 2021.

I write for two reasons. First, my office has finally had the opportunity to speak with Mr. Lopez. Following our conversation with him, I have determined that I will not be filing a memorandum of law in support of a § 2255 motion on his behalf, and ask to be relieved from representing Mr. Lopez with respect to the § 2255 motion. Mr. Lopez has asked me to request time to allow him to decide whether he, himself, will seek to re-file his original § 2255 petition *pro se*. I therefore respectfully ask the Court to extend the deadline for re-filing the § 2255 by four weeks.

Second, Mr. Lopez's prior counsel filed a motion for compassionate release on May 28, 2020 (Doc. 633). The Court denied that motion without prejudice on June 10, 2020 (Doc. 640). Since then, the Second Circuit Court of Appeals has decided *United States v. Brooker*, 976 F.3d 228, 237 (2d Cir. 2020), which paved the way for a number of district courts to *reduce* sentences due to extraordinary and compelling circumstances. Mr. Lopez would like to file a motion to reduce his sentence with the assistance of counsel, and therefore requests that I be appointed to represent him in connection with such a motion.

Thank you for your consideration.

Sincerely,

/s/

Florian Miedel  
*Attorney for Carlos Lopez*

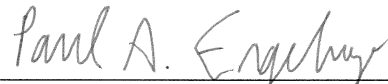
Cc: AUSA Eli Mark

Granted. The Court hereby relieves Mr. Miedel of his appointment to represent Mr. Lopez in connection with his filing of a § 2255 motion. Mr. Lopez's deadline to file any such motion *pro se* is hereby extended from July 16, 2021, to **August 13, 2021**. The deadline for the Government's response to any such § 2255 motion is extended from August 6, 2021, to **September 3, 2021**, and Mr. Lopez's reply, if any, is due by **September 17, 2021**.

The Court also hereby appoints Mr. Miedel for the limited purpose of filing a renewed motion for compassionate release under 18 U.S.C. § 3582(c) on Mr. Lopez's behalf. Such motion is due by **July 23, 2021**. The Government's response is due by **July 30, 2021**.

Mr. Miedel is hereby directed to provide a copy of and explain this order to Mr. Lopez forthwith.

SO ORDERED.

A handwritten signature in dark ink, reading "Paul A. Engelmayer", is written over a horizontal line.

PAUL A. ENGELMAYER  
United States District Judge

July 9, 2021